

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J.L. MITCHELL et al. Examiner: Wesley J. Tucker  
Serial No.: 10/075,049 Group Art Unit: 2623  
Filed: February 12, 2002 Docket No.: BLD919990039US1  
TITLE: METHOD, SYSTEM, AND PROGRAM FOR FRACTIONALLY SHIFTING  
DATA SUBJECT TO A PREVIOUS TRANSFORMATION

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being transmitted by facsimile to Wesley J. Tucker of the U.S. Patent and Trademark Office via the EFS-Web system on June 26, 2006

/David Victor/  
David W. Victor

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the first non-final office action dated February 24, 2006 in which the Examiner rejected all the claims 1-47 as directed to non-statutory subject matter (35 U.S.C. §101) and not providing an asserted utility (35 U.S.C. §112, par. 1). Applicants amended the independent claims 1, 18, and 31 to overcome the Sections 101 and 112 rejections. The Examiner objected to claims 9, 11, 39, and 41 and did not reject these claims in view of prior art. Applicants amended claims 1, 18, and 31 to include the requirements of claims 9 and 39, without including the intervening claims. Applicants submit that the independent claims are now patentable over the cited art because they include the subject matter of canceled claims 9 and 39, which the Examiner did not reject in view of cited art. Applicants submit that the amended pending claims 1-8, 10-38, and 40-47 are patentable over the cited art and in condition for allowance. A Petition for a One Month Extension of Time is submitted herewith.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2.

**Remarks/Arguments** begin on page 11.